

1 John W. Howard, SBN 80200  
Michelle D. Volk, SBN 217151  
2 J.W. HOWARD ATTORNEYS, LTD  
625 Broadway, Suite 1206  
3 San Diego, CA 92101  
Telephone (619) 234-2842  
4 Facsimile: (619) 234-1716  
Attorney for Plaintiff, Van Phillips

5 Jeffrey H. Belote, SBN 104218  
6 Oriet Cohen-Supple, SBN 206781  
CARROLL, BURDICK & McDONOUGH LLP  
7 44 Montgomery Street, Suite 400  
San Francisco, CA 94104  
8 Telephone: (415) 989-5900  
Facsimile: (415) 989-0932  
9 Attorneys for Defendants, John D.  
Diamond and Diamond Phillips, Inc.

10  
11 **UNITED STATES DISTRICT COURT**  
12  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14  
15 **SAN FRANCISCO DIVISION**

16 VAN PHILLIPS,

17 Plaintiff,

18 v.

19 JOHN DIAMOND, DIAMOND PHILLIPS,  
INCORPORATED an Illinois Corporation, AND  
20 DOES 1 THROUGH 50 INCLUSIVE,

21 Defendants.

CASE NO.: C073305 SI  
Judge: Hon. Susan Illston

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND ORDER  
THEREON**

22 AND RELATED CROSS-ACTIONS  
23

24 IT IS HEREBY STIPULATED between the parties that the next Case Management  
25 Conference scheduled to be held on February 22, 2008 at 2:30 p.m. shall be continued to  
26 March 14, 2008 at 2:30 p.m. in Courtroom 10 of the San Francisco Division of the United States  
27 District Court-Northern District.

28 CBM-SF\SF391252.1

Page 1 of 3

STIPULATION TO CONTINUE CMC AND ORDER THEREON  
CASE NO. C073305 SI

1 Both the out-of-state Defendants and Plaintiff in California had difficulty in arranging  
2 a date for mediation and, with the mediator's busy schedule, the only date mutually satisfactory  
3 was February 22, 2008, the date of the previously scheduled Case Management Conference. As  
4 such, the parties scheduled an 8 hour mediation session on February 22 with the Hon. Richard M.  
5 Silver through JAMS in San Francisco. Given the complexity of issues in dispute, it is unlikely  
6 that the mediation will end early, and thus attending the case management conference will not be  
7 possible.

8 The parties hereby stipulate to continue the Case Management Conference in order to  
9 mediate this matter prior to further appearance before this Court.

10 It is so stipulated.

11  
12 Dated: January 25, 2008

JOHN W. HOWARD ATTORNEYS, LTD.

13  
14 By: Michelle Volk  
15 John W. Howard  
16 Michelle D. Volk  
Attorneys for Plaintiff Van Phillips

17 Dated: January 28, 2008

CARROLL, BURDICK & McDONOUGH LLP

18  
19 By: Jeffrey H. Belote  
20 Jeffrey H. Belote  
21 Attorney for John Diamond and Diamond  
22 Phillips, Incorporated  
23  
24  
25  
26  
27

ORDER

Good cause appearing, the Case Management Conference in this matter is hereby continued to March 14, 2008 at 2:30 p.m. in Courtroom 10 on the 19<sup>th</sup> floor of this Court.

IT IS SO ORDERED.

Dated: January \_\_, 2008



---

Hon. Susan Illston  
U.S. District Judge